

Information on Application for Places of Public Entertainment Licence and Temporary Places of Public Entertainment Licence

Part A : General

1. It shall not be lawful for any person to keep or use any place of public entertainment without a licence issued by the Licensing Authority (i.e. Director of Food and Environmental Hygiene).
2. “Entertainment” includes the following event, activity or thing or any part of any of them -
 - (a) a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment;
 - (b) a cinematograph or laser projection display;
 - (c) a circus;
 - (d) a lecture or story-telling;
 - (e) an exhibition of any 1 or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things;
 - (f) a sporting exhibition or contest;
 - (g) a bazaar;
 - (h) [- **repealed** -]
 - (i) an amusement ride within the meaning of the Amusement Rides (Safety) Ordinance (Cap. 449) or any mechanical device (other than such an amusement ride) which is designed for amusement;
 - (j) a dance party.

Where “stage performance” includes a tragedy, melodrama, comedy, farce pantomime, revue, burlesque, burletta, shadow play, an exhibition of dancing, conjuring or juggling, an acrobatic performance and any other stage event including an interlude.

“Dance party” means an event with all of the following attributes –

- (a) music or rhythmic sound of any kind or source is provided at the event;
- (b) the primary activity at the event is dancing by the persons attending the event;
- (c) either –
 - (i) the number of persons attending the event exceeds 200 on at least one occasion during the event; or
 - (ii) any part of the event occurs between 2 a.m. and 6 a.m.

However, the following places are exempted from obtaining a Places of Public Entertainment Licence/ Temporary Places of Public Entertainment Licence for dance party –

- (a) a place in respect of which there is in force a public dance-hall licence granted under the Miscellaneous Licences Ordinance (Cap.114). The exemption ceases to have effect if at any time during the dance party there is any breach of the Miscellaneous Licences Ordinance (Cap.114) or the Miscellaneous Licences Regulations (Cap.114 sub. leg.) or any condition of the licence;
- (b) a place in respect of which there is in force a liquor licence granted under the Dutiable Commodities (Liquor) Regulations (Cap.109 sub. leg.), being a liquor licence that –
 - (i) permits dancing activities to be held in the place; and
 - (ii) has effect subject to a condition that stipulates the maximum number of persons that may at any one time be present in the place; and
 - (iii) the exemption granted has effect only for the hours during which the sale of liquor is permitted under the terms of the liquor licence and ceases to have effect if at any time during the dance party there is a failure to comply with any condition of the liquor licence; and
- (c) a place that is a club-house within the meaning of that term it is used in the Clubs (Safety of Premises) Ordinance (Cap.376), and in respect of which there is in force –
 - (i) a certificate of compliance issued under that Ordinance that-
 - (1) designates an area of the club-house within which dancing activities are permitted; and
 - (2) imposes a condition that stipulates the maximum number of persons that may at any one time be present in the club-house; and
 - (ii) a liquor licence granted under the Dutiable Commodities (Liquor) Regulations (Cap.109 sub. leg. B).

The exemption granted ceases to have effect if at any time during the dance party there is a failure to comply with any condition of the certificate of compliance or the liquor licence.

“Public entertainment” means any entertainment, as mentioned above, to which the general public is admitted with or without payment.

“Place of public entertainment” as defined in section 2 of the Places of Public Entertainment Ordinance (Cap. 172) means:-

- (a) so much of any place, building, erection or structure, whether temporary or permanent, capable of accommodating the public; and
- (b) any vessel.

in or on which a public entertainment is presented or carried on whether on one occasion or more.

Pursuant to the Places of Public Entertainment (Exemption) Order made under section 3A of the Places of Public Entertainment Ordinance (Cap.172), any place managed by the Leisure and Cultural Services Department, the Home Affairs Department, The Legislative Council Commission or the Judiciary is exempted from the operation of sections 4 and 11 of the Ordinance for all public entertainment activities.

3. Under section 4 of the Places of Public Entertainment Ordinance (Cap.172), it is an offence to keep or use any place as a place of public entertainment without a licence and the person convicted of the offence shall be liable to a fine of level 4 (\$10,001 to \$25,000) and imprisonment for 6 months, and to a further daily fine of \$2,000. Any person holding a licence who fails to comply with any of the conditions of the licence or with any provision of the Places of Public Entertainment Regulations (Cap.172A), and any person who commits a breach of any provision of the Regulations for which no other penalty is imposed shall be liable on conviction to a fine of level 2 (\$2,001 to \$5,000) and to imprisonment for 6 months.
4. Application for renewal of licence is required. Application should be submitted in writing to the Licensing Authority during the period not more than 6 months and not less than 5 months before the expiration of the licence.
5. Where a licence is granted or renewed and a fixed electrical installation is installed in the premises to which the licence relates, then for so long as the licence remains in force, the licensee shall, as regards each successive period of 12 months beginning on the date on which the licence was granted or renewed, furnish to the Licensing Authority a copy of the certificate issued within that period for the purpose of regulation 20 of the Electricity (Wiring) Regulations (Cap. 406 sub. leg. E).

Part B : Application for a Places of Public Entertainment Licence (Cinema / Theatre)

1. Any person who desires to keep or use any place of public entertainment specially designed as a theatre or cinema shall submit an application on the prescribed application form (FEHB 104) in 3 copies together with 3 copies of the required plans to the Licensing Authority. Unless exempted in writing by the Licensing Authority, the applicant shall submit the following plans drawn to the nearest metric scales :-
 - (a) complete plans showing elevations and sections;
 - (b) block plans showing the location of the premises in relation to any adjacent lots and building and to the public thoroughfares;
 - (c) drawings or diagrams showing the installation of any electrical, lighting, cooling, ventilation or mechanical apparatus; and
 - (d) such information and specifications as the Buildings Department, Fire Services Department and the Licensing Authority may consider necessary.
2. The applicant shall make public his intention and the purpose for which the premises will be used by exhibiting a notice on the site in such position that it can be plainly read, or by advertisement in 4 newspapers (2 English and 2 Chinese) circulating in Hong Kong. A copy of the notice or each of the 4 newspapers, as the case may be, shall be forwarded to the Licensing Authority.
3. The Licensing Authority may, upon being informed by the Government departments concerned that they have no objection and that all the requirements have been satisfactorily met, issue a licence for the use of the premises for the public entertainment of the character and for such period as may be specified in the licence.
4. A Places of Public Entertainment Licence (Cinema / Theatre) may be renewed at the discretion of the Licensing Authority after consultation with the Buildings Department and Fire Services Department and other relevant Government departments, if necessary.

5. Cinematograph theatres shall be used for the exhibition of films only and shall not be used for any other purpose without the expressed permission in writing from the Licensing Authority.
6. The Licensing Authority may, subject to such conditions as deemed fit to impose, permit the transfer of a licence to another person and such transfer shall be endorsed on the licence.
7. The following fees are payable on an annual basis in respect of such licences:

	<u>Licence Fee</u>
(a) not more than 500 persons	\$13,775.-
(b) more than 500 persons but not more than 1,000 persons	\$16,510.-
(c) more than 1,000 persons but not more than 1,500 persons	\$20,675.-
(d) more than 1,500 persons	\$24,785.-
8. The fee payable for the grant of a provisional licence for cinema/theatre with validity of 6 months is \$2,680.

Part C : Application for a Places of Public Entertainment Licence (other than Cinema/Theatre) / a Temporary Places of Public Entertainment Licence

1. Any person who desires to keep or use any place of public entertainment other than cinema/theatre shall submit an application on the prescribed application form (FEHB 104) in 4 copies together with 4 copies of the required plans to the Licensing Authority.
2. Regulation 162(1) of the Places of Public Entertainment Regulations (Cap. 172A) provides that any person who desires to keep or use any place of public entertainment to which Regulation 3 does not apply (that is, other than cinema/theatre) shall submit an application on the prescribed form in 4 copies together with 4 copies of the required plans to the Licensing Authority not less than 42 days before commencement of the proposed entertainment, or such lesser period as the Licensing Authority may allow. It is therefore the policy of the Licensing Authority to reject all applications for a Temporary Places of Public Entertainment Licences submitted under Regulation 162(1) of the Places of Public Entertainment Regulations(Cap. 172A) if they are not handed in with the required plans to the Licensing Authority:-
 - (a) 42 days for function requiring erection of temporary structure; or
 - (b) 18 days for function other than dance party not requiring erection of temporary structure; or
 - (c) 7 working days for dance party not requiring erection of temporary structure
before the commencement of the proposed function.
3. Unless exempted in writing by the Licensing Authority, the applicant shall submit the following plans drawn to the nearest metric scales:
 - (a) a block plan showing the location of the place in relation to adjoining buildings and public streets;
 - (b) a layout plan showing the number of persons to be accommodated and the spacing and widths of gangways, corridors, exits, seats or accommodation spaces; and
 - (c) if there is any temporary structure on site, diagrams sufficient to illustrate the proposed method of construction.
4. Where application is in respect of a place in which laser equipment is installed, applicants are reminded to complete the 'Display Laser Information' sheet attached at the prescribed application form (FEHB 104) and submit 2 copies of a plan showing the proposed or actual location of all such equipment together with specifications and particulars of the equipment. For enquiries on use of laser equipment, please ring 2808 3803, or write to Electrical and Mechanical Services Department, 3 Kai Shing Street, Kowloon Bay, Kowloon, Hong Kong.
5. The Licensing Authority may, upon being informed by the concerned Government departments that they have no objection and that all the requirements are confirmed to have been satisfactorily met, issue a licence at such times and for such activities as may be specified in the licence.

6. In case of a temporary structure, no licence will be issued for more than one month. Such licence may be renewed at the discretion of the Licensing Authority.
7. The Licensing Authority may, subject to such conditions as deemed fit to impose, permit the transfer of a licence to another person, and such transfer shall be endorsed on the licence.
8. The grant of a licence does not exempt a licensee from applying for the necessary permission from other authorities concerned for the use of the site, or from complying with any conditions or requirements which may be stipulated by other Government departments.
9. The applicant shall ensure that all the necessary requirements stipulated are complied with at least 2 days prior to the commencement of the proposed entertainment.
10. The following fees are payable in respect of such licences:
For a period :---

	<u>Licence Fee</u>
(a) not exceeding 1 month	\$1,655.-
(b) exceeding 1 month but not exceeding 3 months	\$4,945.-
(c) exceeding 3 months but not exceeding 6 months	\$9,910.-
(d) exceeding 6 months but not exceeding 12 months	\$16,510.-

11. The licence fee payable in respect of any licence may be reduced to a nominal sum of \$140, when it appears to the Licensing Authority that a place of public entertainment is kept or used by any of the following –
 - (a) a religious, charitable, welfare body, organization or institution, recommended by the Director of Home Affairs; and
 - (b) an educational institution or organization, recommended by the Permanent Secretary for Education.
12. The requirement of a licence under the Places of Public Entertainment Ordinance mentioned in Part A above does not apply to entertainment held in any public place to which the public has right of access and the organiser has no right to control the admission of the public.
13. According to section 4 of the Places of Public Entertainment Ordinance (Cap.172), it is an offence to keep or use any place of public entertainment without a licence granted under the Ordinance and any person convicted of the offence shall be liable to a fine up to \$25,000 and imprisonment for 6 months, and to a further fine of \$2,000 for every day during which the offence has continued. Applicants are warned not to keep or use a place of public entertainment before a licence is granted. Applicants are also warned of the financial risk that may arise if they proceed to make any financial commitments, including promotion of the proposed public entertainment and sale of tickets, before being issued a licence for the keeping or use of the place as a place of public entertainment. The Licensing Authority will consider all relevant factors including, but not limited to, any objections from relevant Government departments and any non-compliance by the applicant with the requirements imposed by the Licensing Authority and/or relevant Government departments, before deciding on an application. Applicants should not assume that their applications will be approved in each case. Should an applicant choose to sell tickets prior to obtaining a licence for the proposed public entertainment, the applicant should explain to consumers clearly, upon the sale of tickets, the refund or other arrangements in case its application is rejected.

Part D : Miscellaneous

1. The Licensing Authority and any public officer authorized by the Licensing Authority: any police officer of or above the rank of inspector; the Director of Buildings and any public officer authorized by him; the Director of Fire Services and any fire services officer authorized by him; any Health Inspector and, in the case of waterborne craft, the Director of Marine and any public officer authorized by him; may enter and inspect at any time any place under application for a licence or in respect of which a licence has been issued.
2. The Licensing Authority shall have power at all times by notice in writing to cancel any licence upon being satisfied that any of the conditions of the licence may have not been complied with or that there has been disorder at the premises. Any police officer not under the rank of Chief Inspector shall also have power to close, in person, any performance if, at his discretion, he considers it necessary in the interest of peace and good order to do so.

3. Any person dissatisfied with the exercise of any discretionary power or with any decision under the Places of Public Entertainment Ordinance (Cap.172) may appeal to the Municipal Services Appeals Boards.
4. The form is obtainable from the Hong Kong and Islands Licensing Office, Room 801, 8/F., Lockhart Road Municipal Services Building, 225 Hennessy Road, Wanchai, Hong Kong; the Kowloon Licensing Office at 4/F Pei Ho Street Municipal Services Building, 333 Ki Lung Street, Sham Shui Po, Kowloon; or the New Territories Licensing Office at 4/F, Tai Po Complex, 8 Heung Sze Wui Street, Tai Po, New Territories. General enquiries can be made in person or in writing to the Hong Kong and Islands Licensing Office, the Kowloon Licensing Office or the New Territories Licensing Office, or by dialing 2879 5712 (Hong Kong and Islands), 2729 1293 (Kowloon) or 3183 9234 (New Territories). For matters relating to fire safety or building structures, please contact the following offices of Fire Services Department and Buildings Department respectively:-

Fire Services Department

Licensing Offices

Hong Kong Licensing Office

M/F, Sheung Wan Fire Station,
2 Western Fire Services Street,
Sheung Wan, Hong Kong
Tel : 2549 8104

Kowloon West Licensing Office

6/F, Tsim Sha Tsui Fire Station,
333 Canton Road, Tsim Sha Tsui, Kowloon
Tel : 2302 5339

New Territories Licensing Office

Unit 1809-1810, 18/F, Skyline Tower,
39 Wang Kwong Road,
Kowloon Bay, Kowloon
Tel : 3423 9328

Kowloon East Licensing Office

Unit 1809-1810, 18/F, Skyline Tower,
39 Wang Kwong Road,
Kowloon Bay, Kowloon
Tel : 3423 9332

Ventilating Systems Group

35/F, Revenue Tower,
5 Gloucester Road, Wan Chai, Hong Kong
Tel : 2718 7567 / 2251 4165

Buildings Department

Buildings Department Headquarters, North Tower,
West Kowloon Government Offices,
11 Hoi Ting Road, Yau Ma Tei, Kowloon
Tel: 2626 1616 (Handled by “1823”)

Part E : Fire Services Certificate

1. The Licensing Authority will not issue any licence until the applicant has complied with, among others, all requirements imposed by the Director of Fire Services. The proof of compliance is a Fire Services Certificate issued by the Directors of Fire Services.
2. The applicant does not need to apply to the Fire Services Department for a Fire Services Certificate. The Fire Services Department will, upon receiving the referral of the licence application from the Licensing Authority, process it as an application for a Fire Services Certificate. The Fire Services Department will directly communicate with the applicant with copies of the correspondence to keep the Licensing Authority informed.

3. A fee of \$1,640.- will be charged for the Fire Services Certificate for places of public entertainment activities for cinema/theatre and a fee of \$1,190.- will be charged for places of public entertainment activities other than cinema/theatre.